

**ORIGINAL**

PETITION FOR EXTENSION OF TIME AND FOR SUPPLEMENTAL ORDER

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

COUNTY OF WILL, ILLINOIS )  
DEPARTMENT OF HIGHWAYS, )  
Petitioner )  
vs. )  
BURLINGTON NORTHERN AND SANTA FE )  
RAILWAY COMPANY )  
and )  
STATE OF ILLINOIS )  
DEPARTMENT OF TRANSPORTATION, )  
Respondents )

**RECEIVED**  
NOV 17 2004

Illinois Commerce Commission  
RAIL SAFETY SECTION

No. T02-0002

Petition for an Order of the Illinois Commerce Commission Authorizing an extension of time to complete the construction of an overhead bridge carrying Arsenal Road, a part of the Will County highway, Will County Illinois, over the tracks of the Burlington Northern and Santa Fe Railway Company.

PETITION FOR EXTENSION OF TIME AND FOR SUPPLEMENTAL ORDER

TO THE ILLINOIS COMMERCE COMMISSION:

Now comes the Petitioner, County of Will, Illinois, by Jeff Tomczak, Will County State's Attorney through his Assistant, Mary M. Tatroe, and respectfully petitions the Honorable Commission as follows:

1. That petitioner has jurisdiction under the laws of the State of Illinois, being the Illinois Highway Code, over Arsenal Road, a part of the Will County Highway System, which carries local and statewide traffic across the Burlington Northern and Santa Fe Railroad tracks in an east-west direction generally between Interstate I-55 and

**DOCKETED**

NOV 17 2004

State Road IL 53.

2. That pursuant to an Order entered by this Honorable Commission on March 12, 2003, the County of Will, Illinois is currently engaged in the construction of a bridge carrying Arsenal Road over the tracks of the Burlington Northern and Santa Fe Railway Company in Will County, Illinois.

3. That said Order provides that construction should be completed within eighteen (18) months from the date said Order was entered.

4. That although the County has diligently addressed the requirements of the project, the construction has not been completed within the required time frame due to the following circumstances:

- a. The County of Will was unable, through no fault of its own, to obtain the required Federal and State permits in the time initially anticipated, which resulted in a substantial delay in the letting of construction contracts;
- b. Due to internal scheduling timetables of utility companies, the County of Will, was unable to effectuate the relocation of utilities in the time anticipated, delaying the onset of actual construction;

5. That to reasonably complete the construction project so as to maintain current levels of through traffic, the County of Will requires two construction seasons to fully accomplish the objectives set forth in the Order of March 12, 2003.

6. That the County of Will has notified Mr. Henry Humphries, Rail Safety Specialist, that it is unable to complete the project within the ordered time frame. (See letter attached as Exhibit A.)

7. Petitioner proposes, therefore, that the time allowed to fully complete the project set forth in the Order of March 12, 2003 be extended until March 12, 2006.

WHEREFORE, Petitioner prays that the Honorable Commission set the aforesaid matter for public hearing as may be required by law with notice to the Parties hereto, and after such hearing enter an Order granting the County of Will an additional eighteen (18) months until March 12, 2006, within which to complete the construction of an overhead bridge carrying Arsenal Road, a part of the Will County highway, Will County Illinois, over the tracks of the Burlington Northern and Santa Fe Railway Company.

Respectfully submitted,  
THE COUNTY OF WILL, ILLINOIS

By: Mary M. Tatroe  
Mary M. Tatroe,  
Assistant State's Attorney

Jeff Tomczak  
Will County State's Attorney  
By: Mary M. Tatroe  
121 N. Chicago Street  
Joliet, Illinois 60432  
(815)727-8872

VERIFICATION

STATE OF ILLINOIS       )  
                                      )SS.  
COUNTY OF WILL        )

I, SHELDON C. LATZ, being duly sworn upon oath depose and say that I am Engineer for the County of Will, Illinois; that I have read the foregoing Petition by me subscribed and know the contents thereof; that said contents are true in substance and in fact.

Sheldon C. Latz  
COUNTY ENGINEER

SUBSCRIBED AND SWORN to me this

10th day of November, 2004.

Barbara A. Imhof  
NOTARY PUBLIC



Sponsor

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

COUNTY OF WILL, ILLINOIS	)	
DEPARTMENT OF HIGHWAYS,	)	
Petitioner,	)	No. T 02-0002
vs.	)	
	)	
BURLINGTON NORTHERN AND SANTA FE	)	
RAILWAY COMPANY	)	
	)	
and	)	
	)	
STATE OF ILLINOIS	)	
DEPARTMENT OF TRANSPORTATION,	)	
Respondents.	)	

Petition for an Order of the Illinois Commerce Commission Authorizing an extension of time to complete the construction of an overhead bridge carrying Arsenal Road, a part of the Will County highway, Will County, Illinois, over the tracks of the Burlington Northern and Santa Fe Railway Company.

**NOTICE OF FILING**

TO: See Attached Proof of Service

Please take notice that on the 12th day of November, 2004, we have caused to be filed with the State of Illinois, Illinois Commerce Commission, 2300 S. Dirksen Pkwy, Ste. 300, Springfield, IL 62764, a **Petition for Extension of Time and for Supplemental Order**, a copy of which is attached and hereby served upon you.

Jeff Tomczak, State's Attorney  
Will County, Illinois

By: Mary M. Tatroe  
Mary M. Tatroe  
Assistant State's Attorney

Office of the State's Attorney  
Will County, Illinois  
121 N. Chicago Street  
Joliet, IL 60432  
(815) 727-8758

**PROOF OF SERVICE**

State of Illinois        )  
                                  )  
COUNTY OF WILL    )

I, Mary M. Tatroe, hereby certifies that I have served a true and correct copy of the foregoing Petition for Extension of Time and for Supplemental Order to the Illinois Commerce Commission to the following, by sending as indicated from the Will County State's Attorney's Office, 121 N. Chicago Street, Joliet, IL 60432 on the 12th day of November, 2004.

Ms. June B. Tate  
Administrative Law Judge  
Illinois Commerce Commission  
8th Floor  
160 N. LaSalle Street  
Chicago, IL 60601

Michael L. Sazdanoff  
Kenneth J. Wysoglad & Associates  
The Burlington Northern and Santa Fe Railway Company  
118 S. Clinton Street, Ste. 700  
Chicago, IL 60661

Mr. James C. Slifer  
Director, Division of Highways  
Illinois Department of Transportation  
2300 S. Dirksen Parkway  
Suite 300  
Springfield, IL 62764

Mr. Henry Humphries  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701

Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
Att: Railroad Safety



# Will County Department of Highways

SHELDON C. LATZ, PE PLS  
COUNTY ENGINEER

16841 W. LARAWAY ROAD  
JOLIET, ILLINOIS 60433  
(815) 727-8476  
FAX (815) 727-9806

BRUCE D. GOULD, PE  
ASSISTANT COUNTY ENGINEER

November 10, 2004

Mr. Henry Humphries  
Rail Safety Specialist  
Illinois Commerce Commission  
527 East Capital Avenue  
Springfield Illinois 62701

Subject: ICC order No. T02-0002  
Order Issue Date: March 12, 2003  
Required Completion Date: Sept. 12, 2004  
Arsenal Road Grade Separation over  
Burlington Northern and Santa Fe Railway

Dear Mr. Humphries

The Illinois Commerce Commission on March 12, 2003 issued order number T02-0002 regarding the Arsenal Road Grade Separation over the Burlington Northern and Santa Fe Railway. In this order, there are stipulations, which we "Will County Department of Highways" as the Petitioner must fulfill. We are writing this letter to apologize for the delay in conveying to the ICC the required information and to request an extension of time to complete the construction prior to the expiration of said order.

We originally anticipated initiating the construction of this project in summer of 2003, however due to required permitting by various Federal and State agencies and the relocation of utilities this was not possible and construction of the project did not start until the spring of 2004. After the ICC order was issued in the spring of 2003 and construction plans were finalized, we realized in order to construct this project in a reasonable manner, two construction seasons would be necessary. One of our main concerns is the need to maintain the existing through traffic during the construction. Now we are anticipating completion of this project by the end of the calendar year 2005.

With all due respect, we are requesting the following extension of time for your consideration:

We would like to extend the completion of this project by 18 months. The original order was issued on March 12, 2003 and it had a completion deadline of 18 months, that being September 12, 2004. At this time, we are requesting that the deadline for completion be extended to March 12, 2006. This will allow us the opportunity to construct this project and forward to you the final bill.

Exhibit A.

Mr. Henry Humphries  
Rail Safety Specialist  
Page 2  
November 10, 2004

We appreciate your assistance in this regard.

Also with this letter we are forwarding a status report on the progress of this project:

Sincerely,

Sheldon C Latz, PE PLS  
County Engineer

SCL:mb



Subject: ICC order No. T02-0002  
Order Date: March 12, 2003  
Completion Date: September 12 2004  
Arsenal Road Grade Separation over  
Burlington Northern and Santa Fe Railway  
Structure Number 099-3392  
Will County

**STATUS OF THE PROJECT AS OF NOVEMBER 1, 2004:**

- All substructure elements are in place, date completed: September 17, 2004.
- Structural steel erection was completed on October 19, 2004.
- All deck forms in place October 28, 2004.
- Deck reinforcement expected to be completed week of November 15, 2004.
- Pending weather, concrete deck (less parapets) is expected to be completed week of November 15, 2004.
- Embankment, stone subgrade and stabilized subbase for Stage 1 essentially completed November 10, 2004. Placement of Stage 1 concrete pavement to follow, pending weather.
- As of November 1, 2004 we estimate that 40% of this project has been completed.
- Anticipated Project completion, December 1, 2005.